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12 Attorney for Defendant
STANDARD INSURANCE COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LAURIE ORANGE

Case No. 08cv0686-BTM (CAB)

vs.

STANDARD INSURANCE COMPANY, a corporation; and DOES 1 through 10, inclusive,

**JOINT MOTION FOR
RESCHEDULING OF MANDATORY
SETTLEMENT CONFERENCE**

(Current Date): July 2, 2008

(Requested New Date): July 23, 2008

Time: 10:00 a.m.

Place: 940 Front St., Room 1131

Magistrate: Hon. Cathy Ann Bencivengo

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Joint Motion for Continuance of MSC

1 **Joint Motion for Rescheduling of Mandatory Settlement Conference:**

2 This action concerns plaintiff's claim for benefits under a disability policy
3 issued by STANDARD INSURANCE COMPANY ("STANDARD") to
4 employees of the County of San Diego.

5 The case was initially set for an Early Neutral Evaluation ("ENE")
6 Conference for May 29, 2008. The parties prepared and lodged (confidential)
7 Briefs in anticipation of the ENE Conference. Shortly prior to that date, the Court
8 (Judge Moskowitz) issued an OSC regarding subject matter jurisdiction
9 questioning whether the amount in controversy in the action was in excess of
10 \$75,000.00. The parties filed a Joint Response to the OSC on or about June 4,
11 2008, articulating that the amount in controversy, per agreement of the parties and
12 referring to the benefits at issue being sought by plaintiff, indeed does exceed the
13 jurisdictional requirement for subject matter jurisdiction. The ENE, pursuant to
14 request by STANDARD and counsel, was rescheduled for June 5, 2008. Given
15 the pending question by the District Court, the in-person ENE was converted to a
16 telephonic conference with the Magistrate Judge, and such telephonic conference
17 was held on that date. At that time, with agreement of the Magistrate Judge and
18 parties, the ENE was re-set to July 2, 2008 (and now set as a Mandatory
19 Settlement Conference ("MSC")).

20 Counsel for the parties have just now learned (Friday, June 27, 2008) that
21 the District Court has issued an Order expressing satisfaction that the amount in
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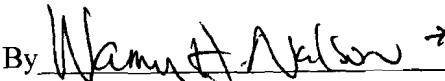
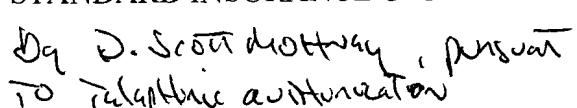
1 controversy is sufficient to retain jurisdiction of the action. However, the ability
 2 of lead counsel for plaintiff, Robert K. Scott, to attend the July 2, 2008 MSC has
 3 become compromised, as Mr. Scott's daughter, Ashlea Scott Meggars, also an
 4 attorney member of the Law Offices of Robert K. Scott, is presently overdue (with
 5 an initial 'due date' of June 24, 2008) to deliver her first child (the first Scott
 6 grandchild). Ashlea Meggars has met with her doctor this date, and based on all
 7 indications it is anticipated that labor is now likely to occur during the week that
 8 the MSC is presently scheduled. A brief extension of the MSC is therefore
 9 respectfully requested. Neither STANDARD nor its counsel have any objection to
 10 the requested continuance. As has already been agreed, STANDARD'S settlement
 11 representative may appear by telephonic standby on July 2, 2008 or, if the
 12 Conference is rescheduled, to July 23, 2008.

17 The parties hereby respectfully move the Court for a short continuance of
 18 the MSC to July 23, 2008 at 10:00 a.m.

20 June 27, 2008

LAW OFFICES OF ROBERT K. SCOTT
 21 By 
 22 ROBERT K. SCOTT
 23 Attorneys for Plaintiff,
 24 LAURIE ORANGE

25 WARREN H. NELSON, JR.
 26 A PROFESSIONAL CORPORATION

27 By 
 28 Warren H. Nelson, Jr.
 29 Attorneys for Defendant,
 30 STANDARD INSURANCE COMPANY
 31 
 32 D. Scott Mottram, pursuant
 33 to telephone authorization
 34 Joint Motion for Continuance of MSC